



OR-2023-01-03

AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA
AN ORDINANCE TO AMEND § 151.016, § 151.080 AND § 151.069 OF THE MARVIN CODE OF
ORDINANCES FOR UPDATING REGULATIONS FOR CHURCHES AND HOUSE OF WORSHIP AND
THEIR ACCESSORY USES

WHEREAS, The State of North Carolina General Statutes give authority to municipalities to conduct planning and zoning activities, in NC G.S. 160D; and

WHEREAS, the Marvin Planning Board unanimously recommended approval of the proposed Zoning Text Amendment at their December 15th, 2022, meeting; and

WHEREAS, a public hearing on the question of adopting this zoning text amendment was held at Marvin Village Hall at 6pm on January 10th, 2022 after due notice by the Enquirer Journal Thursday, December 29, 2022 & Thursday, January 5, 2023

WHEREAS, per § 151.252(D)(8) ZONING AMENDMENTS; TEXT AMENDMENTS of the Village of Marvin Code of Ordinances, the text amendment shall be effective upon the date of approval; and

WHEREAS, the text amendment shall be codified within the Village of Marvin Code of Ordinances;

WHEREAS, this ordinance is being adopted in order to effect proper compliance with the provisions of North Carolina General Statutes and the Village of Marvin Land Usage Ordinances and for the purpose of promoting public health, safety and general welfare; and promoting orderly growth of the Village of Marvin.

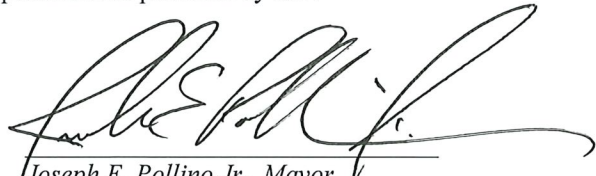
NOW, THEREFORE, BE IT ORDAINED by the Village Council for the Village of Marvin, North Carolina that TITLE XV: LAND USAGE, CHAPTER 151: ZONING, § 151.016, § 151.080 AND § 151.069 of the Code of Ordinances of the Village of Marvin, North Carolina is hereby amended by adding, new and amended sections of the existing text and inserting in lieu thereof the following:


Exhibit A, Adopted Zoning Text Amendment 2022-2

If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

This ordinance shall be effective upon adoption and ordered published as provided by law.

Adopted this day of 26th of January 2023


Joseph E. Pollino Jr., Mayor
Village of Marvin

Attest: 
Austin W. Yow
Clerk and Assistant to the Manager,
Village of Marvin





VILLAGE OF MARVIN

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OR-2023-01-03 Exhibit A: Zoning Text Amendment (ZTA) 2022-2

Overview

The following proposed amendments are to the following sections:

- § 151.016: Zoning - DEFINITIONS OF THE SPECIFIC TERMS AND WORDS.
- §151.069: Zoning - SPECIAL REGULATIONS FOR CERTAIN USES
- §151.080: Zoning - R MARVIN RESIDENTIAL DISTRICT.

The reason for these changes is change Church or House of Worship to Religious Institutions and update regulations for Religious Institutions and their Accessory Uses.

Adopted Final Zoning Text Amendment 2022-2

1. Amend and update the definition of Church and House of Worship in § 151.016 DEFINITIONS OF THE SPECIFIC TERMS AND WORDS.

Current Zoning Text: **CHURCH or HOUSE OF WORSHIP.** A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead.

Amended/Remove: ~~**CHURCH or HOUSE OF WORSHIP.** A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead.~~

Amend/Add: **RELIGIOUS INSTITUTION.** A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services such as a church, synagogue, temple, mosque, or other place of religious worship. This shall also include any customary related accessory use or structure, such as a school, day care center, cemetery or dwelling, located on the same lot.



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2. Amend and Update Religious Institution as a Special Use in §151.080 R MARVIN RESIDENTIAL DISTRICT.

Current Zoning Text: §151.080(C) Conditional Uses. The following uses may be permitted by the Village Council in accordance with §§ 151.100 through 151.109:

1. Public parks and recreation facilities;
2. Churches, synagogues and other places of worship, and their customary related uses;
3. Essential services, class II and III;
4. Cemeteries;
5. Golf courses and country clubs;
6. Public safety stations;
7. Lighting for proposed or existing sports fields or sports fields proposed as an accessory use, but it will be a permitted use if the sportsfield and sportsfield lighting was included in the original Education Overlay District rezoning; and
8. Elementary and secondary schools, but it will be a permitted use if the parcel is rezoned to an Education Overlay District.

Amended: §151.080(C) ~~Conditional~~ **Special** Uses. The following uses may be permitted by the Village Council in accordance with ~~§§~~ 151.100 through 151.109:

1. Public parks and recreation facilities;
2. ~~Churches, synagogues and other places of worship~~ **Religious Institutions**, and their customary related ~~accessory~~ **uses in accordance with §151.069;**
3. Essential services, class II and III;
4. Cemeteries;
5. Golf courses and country clubs;
6. Public safety stations;
7. Lighting for proposed or existing sports fields or sports fields proposed as an accessory use, but it will be a permitted use if the sportsfield and sportsfield lighting was included in the original Education Overlay District rezoning; and
8. Elementary and secondary schools, but it will be a permitted use if the parcel is rezoned to an Education Overlay District.



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Clean Copy of Adopted Zoning Text:

§151.080(C) Special Uses. The following uses may be permitted by the Village Council in accordance with § 151.100 through 151.109:

1. Public parks and recreation facilities;
2. Religious Institutions, and their customary related accessory uses in accordance with §151.069;
3. Essential services, class II and III;
4. Cemeteries;
5. Golf courses and country clubs;
6. Public safety stations;
7. Lighting for proposed or existing sports fields or sports fields proposed as an accessory use, but it will be a permitted use if the sportsfield and sportsfield lighting was included in the original Education Overlay District rezoning; and
8. Elementary and secondary schools, but it will be a permitted use if the parcel is rezoned to an Education Overlay District.



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3. Amend Ordinance to add §151.069 to be Special Regulations for Certain Uses

Current (Adopted with Ordinance OR 2023-01-04)

§151.069 SPECIAL REGULATIONS FOR CERTAIN USES.

A. Gated Subdivisions

1. New residential subdivisions may be proposed to have a gate and private road, subject to the following standards:
 - a. Before the approval of a final plat, the developer shall submit to the Village the design and layout of any access gate, external fence, and walls. Berms shall be located outside any public street right-of-way and shall be designed to blend in, to the greatest degree feasible, with the proposed development and shall be attractive to motorists and pedestrians from adjoining public streets.
 - b. The road upon which will serve the proposed subdivision is the only means of ingress and egress for the subdivision;
 - c. Neighborhoods to have an entrance gate are subject to the regulations for rural entryway gates as provided for in § 151.152 (H).
 - d. Prior to the approval of a final plat, the developer shall provide written evidence that the developer has created a homeowners' association whose responsibility it will be to maintain common areas and private streets within the development. Such evidence shall include filed copies of the articles of incorporation, declarations and homeowners' association bylaws, and maintenance agreements.
2. Existing Residential Developments
 - a. If the developer, person and/or the homeowners' association requests a gated entrance after Final Plat approval, the applicant shall submit an updated final plat along with the required fee to the Planning and Zoning Administrator for Village Council Approval.
 - b. Furthermore, the proposed gate must comply with the regulations for rural entryway gates as provided for in § 151.152 (H).
 - c. Additionally, the developer and/or the homeowners will need to Village Council approval of a Special Use Permit in accordance with §§ 151.100 through 151.109



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Amend and Add with the Following: §151.069 SPECIAL REGULATIONS FOR CERTAIN USES.

This chapter establishes special regulations for particular uses which are permitted within one or more of the zoning districts established in §151.080 through §151.092. If the use is listed as a permitted use in one or more of the zoning districts referenced above, the additional regulations set forth in this chapter must be satisfied before a Zoning Permit will be approved or issued.

If the use is listed as a special use in one or more of the zoning districts established in §151.080 through §151.092, the additional criteria set forth in this chapter must be satisfied before an application for Special Use Permit may be approved by the Village Council.

These criteria are designed to ensure that the listed uses are compatible with the other permitted uses in the zoning district and to implement the policies of the Adopted Land Use Plan. All uses and structures shall comply with all other applicable provisions of this Ordinance in addition to the provisions of this chapter.

A. Gated Subdivisions

1. New residential subdivisions may be proposed to have a gate and private road, subject to the following standards:
 - a. Before the approval of a final plat, the developer shall submit to the Village the design and layout of any access gate, external fence, and walls. Berms shall be located outside any public street right-of-way and shall be designed to blend in, to the greatest degree feasible, with the proposed development and shall be attractive to motorists and pedestrians from adjoining public streets.
 - b. The road upon which will serve the proposed subdivision is the only means of ingress and egress for the subdivision;
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 - d. Prior to the approval of a final plat, the developer shall provide written evidence that the developer has created a homeowners' association whose responsibility it will be to maintain common areas and private streets within the development. Such evidence shall include filed copies of the articles of incorporation, declarations and homeowners' association bylaws, and maintenance agreements.
2. Existing Residential Developments



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- a. If the developer, person and/or the homeowners' association requests a gated entrance after Final Plat approval, the applicant shall submit an updated final plat along with the required fee to the Planning and Zoning Administrator for Village Council Approval.
- b. Furthermore, the proposed gate must comply with the regulations for rural entryway gates as provided for in § 151.152 (H).
- c. Additionally, the developer and/or the homeowners will need to Village Council approval of a Special Use Permit in accordance with §§ 151.100 through 151.109

B. Religious Institutions and their customary related accessory uses.

1. Religious Institutions, and their customary related accessory uses such as religious institution offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, cemeteries and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever religious institutions are permitted and shall comply with the applicable zoning district regulations. For existing Religious Institutions seeking accessory uses as described herein, a Special Use Permit will be required for any use a new structure is being constructed for said accessory use.
2. To diminish disruptive impacts by ensuring appropriate location and design standards, the development and expansion of religious institutions and their accessory uses and structures in residential districts, shall meet the following standards:
 - a. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such. Tombstones, crypts, monuments, and mausoleums in accessory cemeteries shall be located at least 25 feet from any street right-of-way line or abutting property.
 - b. Religious institution accessory uses which are not permitted as principal uses in a district or is not traditionally associated with a Religious Institution shall be subject to a Special Use Permit and adhere to the following restrictions:
 - i. no merchandise or merchandise display shall be visible from outside the building;
 - ii. no accessory use requiring an overnight stay shall be permitted (excluding events associated with youth groups,



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- scouting troops, and other events directly associated with persons or employees of the religious institution)
- iii. no standalone business or identification sign pertaining to the accessory uses shall be visible from outside the building. Signage shall be permitted to be a part of the principal use existing signage. The signage for the principal use shall still comply with the regulations of § 151.140 through 151.152.
- c. Except as noted above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
- 3. Minor modifications to the special use permit issued for Religious Institutions and/or their accessory uses not permitted as a principal use, which do not involve an increase of intensity in uses permitted (by-right or with a special use permit) or the density of overall development permitted may be reviewed and approved administratively.

Clean Copy of Adopted Zoning Text:

§151.069 SPECIAL REGULATIONS FOR CERTAIN USES.

This chapter establishes special regulations for particular uses which are permitted within one or more of the zoning districts established in §151.080 through §151.092. If the use is listed as a permitted use in one or more of the zoning districts referenced above, the additional regulations set forth in this chapter must be satisfied before a Zoning Permit will be approved or issued.

If the use is listed as a special use in one or more of the zoning districts established in §151.080 through §151.092, the additional criteria set forth in this chapter must be satisfied before an application for Special Use Permit may be approved by the Village Council.

These criteria are designed to ensure that the listed uses are compatible with the other permitted uses in the zoning district and to implement the policies of the Adopted Land Use Plan. All uses and structures shall comply with all other applicable provisions of this Ordinance in addition to the provisions of this chapter.



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 - b. The road upon which will serve the proposed subdivision is the only means of ingress and egress for the subdivision;
 - c. Neighborhoods to have an entrance gate are subject to the regulations for rural entryway gates as provided for in § 151.152 (H).
 - d. Prior to the approval of a final plat, the developer shall provide written evidence that the developer has created a homeowners' association whose responsibility it will be to maintain common areas and private streets within the development. Such evidence shall include filed copies of the articles of incorporation, declarations and homeowners' association bylaws, and maintenance agreements.
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 - ii. no accessory use requiring an overnight stay shall be permitted (excluding events associated with youth groups, scouting troops, and other events directly associated with persons or employees of the religious institution)
 - iii. no standalone business or identification sign pertaining to the accessory uses shall be visible from outside the building. Signage shall be permitted to be a part of the principal use existing signage. The signage for the principal use shall still comply with the regulations of § 151.140 through 151.152.
 - c. Except as noted above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
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